

June 24, 1998

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL**

SUBJECT: Department of Development and Environmental Services File No. **L98P0005**

**BACKBONE RIDGE**  
Preliminary Plat Application

Location: Generally between 130<sup>th</sup> Avenue Southeast and 132<sup>nd</sup> Avenue Southeast  
directly opposite Southeast 307<sup>th</sup> Place

Applicant: Backbone Ridge, Ltd., *represented by* **De-En Lang**, Subdivision Management, Inc.  
16031 – 119<sup>th</sup> Place Northeast, Bothell, WA 98011

Department: **Keri Akers**, Department of Development and Environmental Services,  
Land Use Services Division

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner:	Approve, subject to conditions

**PRELIMINARY MATTERS:**

Application submitted:	January 28, 1998
Notice of complete application:	February 15, 1998

**EXAMINER PROCEEDINGS:**

Hearing Opened:	June 18, 1998
Hearing Closed:	June 18, 1998

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

## ISSUES ADDRESSED:

- none

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

## FINDINGS:

1. **General Information.**

Owner/Developer:	Backbone Ridge, Ltd., <i>represented by</i> <b>De-En Lang</b> , Subdivision Management, Inc. 16031 – 119 <sup>th</sup> Place NE, Bothell WA 98011
Engineer:	Ostergaard Robinson, 3610 Colby Avenue, Everett, WA 98201
Location:	Generally between 130 <sup>th</sup> Avenue Southeast and 132 <sup>nd</sup> Avenue Southeast directly opposite Southeast 307 <sup>th</sup> Place
STR:	NE 09-21-05
Zoning:	R6-P-SO
Acreage:	1.25
Number of Lots:	7
Density:	5.6 dwelling units/acre
Typical Lot Size:	Ranges from approximately 4,000 square feet to 6, 000 square feet
Proposed Use:	Detached single-family residences
Sewage Disposal:	City of Auburn
Water Supply:	City of Auburn
Fire District:	#44
School District:	Auburn
Complete Application Date:	February 25, 1998

2. **Proposal.** The Applicant proposes to subdivide 1.25 acres (classified R6-P-SO) into seven single-family residential building lots. The Applicant proposes a development density of 5.6 dwelling units per acre, with lot sizes ranging from approximately 4,000 square feet to 6,000 square feet.

3. **SEPA.** No environmental impact statement is required. On April 28, 1998 the Department of Development and Environmental Services (hereinafter, the “Department” or “DDES”) issued a threshold determination of non-significance for the proposed development. That is, the Department caused to be published and posted its determination that, based on its review of the environmental checklist and other pertinent environmental documents, the proposed development will not cause probable significant adverse impacts upon the environment; and that, therefore, no environmental impact statement or extraordinary mitigating measures should be required. No person, agency or tribe appealed that determination.

4. **Department Recommendation.** The Department recommends granting preliminary approval to the proposed plat of Backbone Ridge, subject to the thirteen conditions stated on pages 6 through 8 of the Department's preliminary report to the Hearing Examiner. Those recommended conditions of final plat approval address concerns regarding drainage, suitable recreation space, required street improvements and other similar development controls.
5. **Applicant's Position.** Subdivision Management, Inc., represented by De-En Lang (hereinafter, the "Applicant") accepts the Department's recommendation as described above.
6. **No Opposition.** No person, agency or tribe appeared at the public hearing to oppose the proposed development. One person expressed interest in the character of homes to be constructed.
7. **Department Report Adopted.** Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated June 18, 1998 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.

#### CONCLUSIONS:

1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Soos Creek Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

#### DECISION:

GRANT PRELIMINARY APPROVAL, SUBJECT to the conditions of final plat approval contained on pages 6 through 8 of the Department's preliminary report to the Examiner dated June 18, 1998.

ORDERED this 24<sup>th</sup> day of June, 1998.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 24<sup>th</sup> day of June, 1998, to the parties and interested persons shown on the attached listed.

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before July 8, 1998**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before July 15, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

### MINUTES OF THE JUNE 18, 1998 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L98P0005 – BACKBONE RIDGE:

R. S. Titus was the Hearing Examiner in this matter. De-En Lang/Subdivision Management, Molly Monks, Bruce Whittaker/DDES-LUSD, and Keri Akers/DDES-LUSD participated in the hearing.

The following exhibits were offered and entered into the hearing record:

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|----------------|---|
| Exhibit No. 1  | Department of Development and Environmental Services file no L98P0005   |
| Exhibit No. 2  | Department of Development and Environmental Services preliminary report, dated June 1, 1998   |
| Exhibit No. 3  | Application dated January 28, 1998  |
| Exhibit No. 4  | Environmental checklist dated January 28, 1998  |
| Exhibit No. 5  | Declaration of non-significance, dated April 28, 1998   |
| Exhibit No. 6  | Affidavit of posting indicating March 10, 1998 as date of posting and March 17, 1998 as the date the affidavit was received by the Department of Development and Environmental Services |
| Exhibit No. 7  | Plat map dated February 5, 1998   |
| Exhibit No. 8  | Kroll land use map, page 721E   |
| Exhibit No. 9  | Assessors map NE 09-21-05   |
| Exhibit No. 10 | Conceptual drainage plan, dated January 28, 1998  |
| Exhibit No. 11 | Letter, dated October 31, 1997, from The Watershed Company  |
| Exhibit No. 12 | P-Suffix conditions: SC-P3, SO-220, KCC 16.82.150D  |